

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

25668

FILE: B-210052

DATE: July 6, 1983

MATTER OF: United Aircraft and Turbine Corporation

DIGEST:

Protester bears the responsibility for the delivery of quotation. Protester has not affirmatively proven that it submitted quotation the procuring agency claims it did not receive. The protester must bear the responsibility for choosing to deliver its quotation by mail.

United Aircraft and Turbine Corporation (UATC) protests the award of a contract under request for quotations (RFQ) No. DLA500-82-Q-RP21 issued by the Defense Industrial Supply Center (DISC) of the Defense Logistics Agency (DLA). DLA contends that DISC received eight quotations and awarded a contract on November 19, 1982, to M-F Services, which submitted the lowest quotation. UATC contends that it is entitled to award because it submitted, by mail, the low responsive, responsible quotation. DLA contends that it did not receive a quotation from UATC. We deny the protest.

UATC has not provided us with a copy of its quotation nor indicated what its price would have been. UATC has not provided evidence that it submitted a quotation, but does allege that there was improper Government action in the receipt of quotations: -

"* * * First, unlike the normal situation where bidders utilize their own envelopes to submit a bid and are likely to send it by certified mail, return receipt requested, the DISC provides a postage paid envelope to be used for such purpose. It should be noted that such envelope does not provide a place for a return address. See Exhibit 1 for photocopy of envelope. Under such circumstances, it would seem that the postal service is the Government's rather than the bidder's agent. Second, the normal presumption that Government personnel were

026084

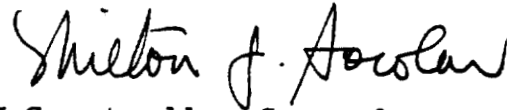
acting properly should not apply here. In the same unit processing the bids in question, several contracting personnel were just indicted for bid rigging. See Exhibit 2 [newspaper clipping]. Obviously, in a system that is designed to eliminate return receipts by providing self-addressed, stamped envelopes the opportunity for such abuses greatly arises. Finally, UATC might accept a DISC claim that one bid was lost in the mail. It is highly unlikely, if not mathematically impossible, for this to have happened eight times."

Since the only evidence concerning whether a quotation was submitted is the conflicting statements from UATC and the procuring agency, we do not believe that UATC has affirmatively proven that it submitted a quotation. Security Assistance Forces & Equipment OHG, B-202012, January 15, 1982, 82-1 CPD 34. With regards to UATC's specific allegations, the reference to other quotations appears to concern UATC's protest in B-210427, B-210427.2, in which UATC contends it is entitled to award under seven other RFQ's. DLA's report in that case indicates that those RFQ's were processed under DISC's Automatic Small Purchase System. DLA contends that quotations from UATC on three of the RFQ's are not contained in the computer because UATC either did not submit quotations or the quotations were late. The four UATC quotations that were received raise other issues, which must be considered in conjunction with still other protests. We therefore decline to consider B-210427, B-210427.2 at this time. However, we do note that the fact that three quotations in that case were not entered into the computer does not prove that DISC improperly processed UATC's quotation on this RFQ. Similarly, the fact that some DISC personnel, which DISC indicates have not worked at DISC since April of 1982, have been indicted does not prove that UATC submitted a quotation on this RFQ.

Finally, the addressed envelope does contain printing in the upper left-hand corner. However, it appears that a return address or return receipt could have been placed on the back of the envelope. (In fact, UATC had advised us that it is currently sending its quotations by certified mail.) UATC had the responsibility to assure the timely receipt of its quotation and must bear the responsibility

for choosing to deliver its quotation by mail. Tenavision
Inc., B-207977, July 20, 1982, 82-2 CPD 64; Phelps-Stokes
Fund, B-194347, May 21, 1979, 79-1 CPD 366.

The protest is denied.

A handwritten signature in cursive script, reading "Milton J. Aroslan".

Acting Comptroller General
of the United States